### PATENT COOPERATION TREATY

## **PCT**

# TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applica	int's or ager	nt's file refere	nce	EOD EUDZUED A	CTION	Car Error DCT/IDE A	1416				
TEX 6246PCT				FOR FURTHER ACTION	See Form PCT/IPEA/416						
International application No.				International filing da		Priority date (day/mo	•				
	PCT/EP2004/013577			30.11.2004		06.12.200	06.12.2003				
	International Patent Classification (IPC) or national classification and IPC										
A41B11/00, A62D5/00, A62B17/00											
Applicant CNDIII											
TEXPLORER GMBH											
1.	1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.										
2.	This REI	PORT consist	s of a total of	4	sheets, inclu	ding this cover sheet.					
3.	This repo	ort is also acco	ompanied by A	NNEXES, comprising:							
	a. 🔀	(sent to the	e applicant and	l to the International Bu	reau) a total of 7		sheets, as follows:				
						en amended and are the ba					
	sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).										
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental										
		Box.									
	b	(sent to the	? International	Bureau only) a total of	(indicate type and nur	nber of electronic carrier(s	3))				
	_					, containing a seque	nce listing and/or tables				
				r readable form only, a trative Instructions).	s indicated in the Sup	oplemental Box Relating to	o Sequence Listing (see				
4.	This repo			ing to the following iter	ns:						
	$\square$										
		Box No. I	Basis of the	e report							
	Box No. II Priority										
	L F	Box No. III	Non-establi	shment of opinion with regard to novelty, inventive step and industrial applicability ty of invention							
	E	Box No. IV	Lack of uni								
	M F	Box No. V		tatement under Article : id explanations supporti		ovelty, inventive step or in	dustrial applicability;				
		Box No. VI	Certain doc	uments cited							
		Box No. VII	Certain def	ects in the international	application						
Box No. VIII Certain observations on the international application											
Date of	submission	n of the demai	nd		Date of completion o	f this report	<u>-</u>				
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Name and mailing address of the IPEA/EP					Authorized officer						
Facsimile No.					Telephone No.						

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013577

Вох	No. I	Basis of the report								
1.		n regard to the language, this report is based on the internate cated under this item.	tional application in the language in	which it was filed, unless otherwise						
		This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:								
		international search (Rule 12.3 and 23.1(b))	international search (Rule 12.3 and 23.1(b))							
		publication of the international application (Rule 12	2.4)							
		international preliminary examination (Rule 55.2 ar	nd/or 55.3)							
2.	rece		gard to the <b>elements</b> of the international application, this report is based on (replacement sheets which have been furnished to the g Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to ort):							
		the international application as originally filed/furnished								
	$\boxtimes$	the description:								
		pages <u>1-9</u>		as originally filed/furnished						
		pages*	received by this Authority on							
		pages*	received by this Authority on							
	$\boxtimes$	the claims:								
		nos.		as originally filed/furnished						
		nos.*	as amended (togethe	r with any statement) under Article 19						
		nos.* _ 1-35	received by this Authority on	30.07.2005 with letter of 29.07.2005						
		nos.*	received by this Authority on							
	$\boxtimes$	the drawings:								
		sheets 1/1		as originally filed/furnished						
		sheets*	received by this Authority on							
		sheets*	received by this Authority on							
		a sequence listing and/or any related table(s) – see Supple	emental Box Relating to Sequence L	isting.						
3.		The amendments have resulted in the cancellation of:	ne amendments have resulted in the cancellation of:							
		the description, pages								
		the claims, nos.								
		the drawings, sheets/figs								
		the sequence listing (specify):								
		any table(s) related to sequence listing (specify):								
4.		This report has been established as if (some of) the ame they have been considered to go beyond the disclosure as								
		the description, pages								
		the claims, nos.								
		the drawings, sheets/figs	the drawings, sheets/figs							
		the sequence listing (specify):								
		any table(s) related to sequence listing (specify):								
*	If ite	em 4 applies, some or all of those sheets may be marked "si	uperseded."							

#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/013577

Box		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement					
	Novelty (N)	Claims	1-35	YES		
		Claims		NO		
	Inventive step (IS)	Claims	1-35	YES		
		Claims		NO		
	Industrial applicability (IA)	Claims	1-35	YES		
		Claims		NO		

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US 2003/177566

D2: US 4 809 447.

Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to D1):

a garment for the lower leg, in particular socks for protection against chemical and/or biological toxins, consisting of several layers and comprising an outer leg part (22) and a laminate (12, 23, 20) arranged inside the outer leg part (22), which has a flexible, windproof and water-repellent membrane (12) that forms the outer side of the laminate (12, 23, 20) and constitutes at least a barrier against biological toxins, a carbon layer (23), in which carbon in fibre or particle form is present and which is disposed underneath the membrane (12), and an inner textile fabric layer (20).

The subject matter of claim 1 therefore differs from that disclosed in document D1 in that the outer leg part (1)

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

is made of several cut sections, wherein the seams between the cut sections (4, 5, 6) are sealed by a water-tight material.

Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem to be solved by the present application is therefore understood to be that of creating a lower-leg protective garment, in particular a protective sock, which is comfortable and can be worn like a conventional sock or knee sock.

The solution to this problem, as suggested in claim 1 of the present application, involves an inventive step (PCT Article 33(3)), for the following reasons:

Document D2 discloses a protective sock made of a plurality of sections. A person skilled in the art proceeding from document D2 would in particular not arrive at a sock for protection against chemical and/or biological toxins according to the characterizing part of claim 1. Consequently, claim 1 meets the requirements of PCT Article 33(3).

Claims 2-35 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.